

California Regional Water Quality Control Board
North Coast Region

Time Schedule Order No. 98-114

For

Administrative Civil Liability in the Matter of

Carl Boyett
Carol Boyett
Boyett Petroleum

171 Santa Rosa Avenue
Santa Rosa, California

Sonoma County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board) finds that:

1. Carl and Carol Boyett own property at 171 Santa Rosa Avenue (hereinafter site). The site formerly was a retail gasoline station since 1954 and was operated by Boyett Petroleum from 1976 to 1987.
2. Cleanup and Abatement Order (CAO) No. 85-86 was issued to Boyett Petroleum on January 22, 1985 due to the discovery of gasoline seeping into Santa Rosa Creek from the concrete channel lining immediately north of the site. Cleanup efforts, which have included the installation of twelve groundwater monitoring wells, groundwater extraction, removal of the underground storage tank system and limited soil removal and treatment, have not resulted in an effective and final site remediation.
3. CAO Nos. 97-120 and 98-75 were issued in October 1997 and July 1998, respectively to Carl Boyett, Carol Boyett and Boyett Petroleum (all parties are hereinafter discharger) ordering the submittal of a revised Corrective Action Plan (CAP), plan implementation and reporting.
4. The discharger has failed to provide: 1) documentation concerning the operation and effectiveness of soil and groundwater remedial activities from 1993 to the present, 2) a response to Regional Water Board staff inquiries and requests, and 3) an acceptable corrective action plan. Past and ongoing delays have occurred. Future compliance is threatened.
5. Pursuant to Section 13308 of the California Water Code, the Regional Water Board may adopt a time schedule and prescribe civil penalties that shall become due for violations of the time schedule based upon the amount reasonably necessary to achieve compliance, not to include any

amount intended to punish or redress previous violations and not to exceed ten thousand dollars (\$10,000) for each day in which the violation occurs.

6. If the discharger fails to comply with the time schedule contained in this Order, the Executive Officer is authorized to issue a complaint pursuant to Water Code section 13323(a) alleging the violations of the Time Schedule Order and setting forth the amount of civil liability due under this Order. The amount of the civil liability may be reduced on consideration of the specific factors in Water Code Section 13327.
7. An evidentiary hearing on this matter was held before the Regional Water Board on October 22, 1998 in the Regional Water Board hearing room at 5550 Skylane Boulevard, Suite A, Santa Rosa, California. The Regional Water Board considered all evidence presented at the hearing.
8. Adoption of a Time Schedule Order for Administrative Civil Liability is an enforcement action to protect the environment, and is, therefore, exempt from provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) pursuant to Section 15321, Title 14, California Code of Regulations.

THEREFORE, IT IS HEREBY ORDERED that the discharger shall complete the following tasks in accordance with the corresponding due dates. Administrative Civil Liability shall be imposed for violation of tasks A through M in accordance with the following schedule:

<u>TASK</u>	<u>DUE DATE</u>	<u>PENALTY ASSESSMENT DATE</u>	<u>CIVIL PENALTY</u>
A. Submit an acceptable workplan for additional investigation and the installation of a monitoring well in the vicinity of soil borings B-6/K-10	October 21, 1998	October 22, 1998	\$10,000
B. Submit a report of completed work for Task A.	November 20, 1998	November 21, 1998	\$ 5,000
C. Re-evaluate the necessity to revise the Corrective Action Plan (CAP). Repeat Task C quarterly for one year following Task L completion	November 30, 1998	None	None
D. Submit an acceptable revised on-site CAP or evidence and justification to support not needing a CAP. Repeat Task D quarterly for one year following Task L completion.	December 23, 1998 and subsequently coincident with M&R No. 98-76 reporting requirements.	December 24, 1998 Then subsequently one day after M&R No. 98-76 reporting requirements.	\$10,000
E. Submit a workplan to define the off-site extent of contamination.	December 23, 1998	December 24, 1998	\$10,000
F. Submit a report of completed work for Task E.	February 5, 1999	February 6, 1999	\$ 5,000
G. Implement on-site CAP (if necessary).	February 12, 1999	February 13, 1999	\$10,000

<u>TASK</u>	<u>DUE DATE</u>	<u>PENALTY ASSESSMENT DATE</u>	<u>CIVIL PENALTY</u>
H. Submit acceptable off-site CAP	February 26, 1999	February 27, 1999	\$10,000
I. Implement off-site CAP	March 31, 1999	April 1, 1999	\$10,000
J. Submit a report of completed work for Task G.	April 15, 1999	April 16, 1999	\$ 5,000
K. Submit a report of completed work for Task I.	May 15, 1999	May 16, 1999	\$ 5,000
L. Conduct quarterly groundwater monitoring, sampling & reporting.	As required by M&R No. 98-76	One day past M&R No. 98-76 compliance dates.	\$ 1,000
M. Continue to perform Task L	As required by M&R	One day past M&R	\$ 1,000

until such time that the State
Underground Storage Tank
Regulations, Corrective Action
Requirements (Title 23, Division 3,
Chapter 16, Article 11) and the Water
Quality Control Plan for the North
Coast Region have been complied with.

No. 98-76.

No. 98-76 compliance
dates.

If there are violations beyond the dates specified above, the discharger is liable for \$1000 for each additional day in which the violation occurs. In no case will the discharger be liable for more than \$10,000 for any single day.

If, for any reason, the discharger is unable to perform any activity or submit any document in compliance with the schedule set forth herein, the discharger may request, in writing, a time extension. The extension request must be submitted at least 15 days in advance of the due date and must include justification for the delay. The Executive Officer may, at his discretion, issue a written extension of time for the completion of any of the above tasks.

Certification

I, Lee A. Michlin, Executive Officer, do
hereby certify that the foregoing is a full,
true, and correct copy of an Time Schedule Order
adopted by the California Regional Water Quality
Control Board, North Coast Region, on
October 22, 1998.

Lee A. Michlin
Executive Officer

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